



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

Enforcement Program

2005 Evergreen Street, Suite 1200
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Phone: (916) 263-2525
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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

May 15, 2019

Robert David Lesser, M.D.
3749 N. Causeway Blvd., Ste. B
Metairie, LA 70002

RE: Physician's and Surgeon's Certificate No. C 39420
Case No. 800-2019-051710

Public Letter of Reprimand

On December 10, 2018, the Louisiana State Board of Medical Examiners issued a Consent Order for Reprimand whereby you were reprimanded and fined for prescribing controlled substances without appropriate medical justification and failing to comply with the Louisiana State Board of Medical Examiners' rules on the treatment of chronic pain. A copy of the Louisiana State Board of Medical Examiners' documents are attached as Exhibit A.

These actions constitute a violation of California Business and Professions Code sections 141(a), 2234 and 2305.

Pursuant to the authority of the California Business and Professions Code section 2233, you are hereby issued this Public Letter of Reprimand by the Medical Board of California.

Kimberly Kirchmeyer
Executive Director

Consent
Agreement,
the 1997
Amended
Agreement

Exhibit A

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:

(504) _____

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In The Matter of

ROBERT DAVID LESSER, M.D.

(Certificate No. MD.014664),
Respondent

No. 16-I-342

**CONSENT ORDER
FOR REPRIMAND**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that Robert David Lesser, M.D. ("Dr. Lesser"), a physician that is, and was at all times material to the facts and matters alleged herein, licensed and engaged in the practice of medicine in and around New Orleans, Louisiana, was prescribing controlled substances without appropriate medical justification and failing to comply with the Board's rules on the treatment of chronic pain.¹

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined reasonable cause existed such that a formal Administrative Complaint could be filed against Dr. Lesser, charging him with violations of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261 et. seq. ("the Act"), pursuant to La. Rev. Stat. §§37:1285A (6) and (30)².

While not admitting to any violation of the Act or any of the facts stated therein, Dr. Lesser, nonetheless, acknowledges that the foregoing information could provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285A (6) and (30).

¹ Controlled Substances Used in the Treatment of Noncancer-related Chronic or Intractable Pain, 46 La. Adm. Code §§ 45:6915-6923 (June 1997), amended (April 2000).

² The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes: ... (6) Prescribing, dispensing, or administering legally controlled substances or any dependency-induced medication without legitimate medical justification therefore or in other than a legal or legitimate manner; and ... (30) Violation of any rules and regulations of the board, or any provisions of this Part.

respectively, and further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation, or imposition of such other terms, conditions, or restrictions on his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Lesser would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Dr. Lesser, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Lesser acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Lesser also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Dr. Lesser expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Lesser to maintain his license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of this Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Robert David Lesser, M.D. is **OFFICIALLY REPRIMANDED** for the conduct described above.

IT IS FURTHER ORDERED that Dr. Lesser's continued license to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. MD.014664, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Personal Appearance before the Board.** Dr. Lesser shall personally appear before the Board or its designee to permit the Board to consider his intentions to be in compliance with the terms, conditions and restrictions contained in this order.
- (2) **Course on Professionalism and Medical Ethics.** Within six (6) months of the effective date of this Order, Dr. Lesser shall attend and successfully complete a course (or courses) on professionalism and medical ethics. The course shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order Dr. Lesser shall cause to be submitted to the Board written certification of satisfaction of the requirements of this provision.
- (3) **Course on Proper Prescribing.** Within six (6) months of the effective date of this Order, Dr. Lesser shall attend and successfully complete a course (or courses) on the proper prescribing of controlled substances. The course shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order Dr. Lesser shall cause to be submitted to the Board written certification of satisfaction of the requirements of this provision.
- (4) **Course on Proper Medical Record Keeping.** Within six (6) months of the effective date of this Order, Dr. Lesser shall attend and successfully complete a course (or courses) on medical record keeping. The course shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order Dr. Lesser shall cause to be submitted to the Board written certification of satisfaction of the requirements of this provision.
- (5) **Payment of Fine.** Within one (1) year of the effective date of this Order, Dr. Lesser shall pay to the Board a fine in the amount of Five Thousand (\$5,000.00) Dollars.
- (6) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

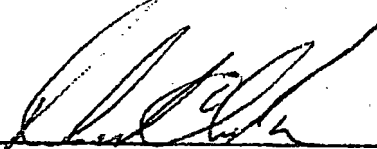
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Lesser shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Lesser's license to practice medicine in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285(A).

IT IS FURTHER ORDERED that this Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 10th day of December, 2018.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:


Roderick Vince Clark, M.D.
Vice-President

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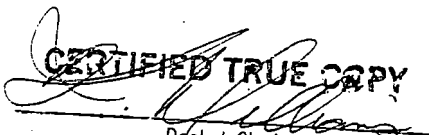
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Acknowledgment and Consent on the following page

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CERTIFIED TRUE COPY
Docket Clerk
Louisiana State Board of Medical Examiners
Date 2/29/19

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana
PARISH OF Orleans

I, Robert David Lesser, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 3rd day of December, 2018.

Robert David Lesser M.D.
Robert David Lesser, M.D.

WITNESSES:

Deryn Gaudet
Signature

Kristy Vaz
Signature

Deryn Gaudet
Printed Name

Kristy Vaz
Printed Name

2420 Garden Dr.
Address

909 Poydras Street
Address Suite 1600

Sworn to and subscribed before me at 909 Poydras St., this 3rd
day of December, 2018, in the presence of the two stated
witnesses.

[Signature]
Notary Public (signature)

JACOB K. WEXLER, NOTARY PUBLIC
PARISH OF ORLEANS, STATE OF LOUISIANA
MY COMMISSION IS ISSUED FOR LIFE
NOTARY ID# 143271

Jacob Weixler, Notary 143271; Bar No. 36076
Printed Name/Notary or La. Bar No. #